

AUSTIN CITY COUNCIL  
MINUTESREGULAR MEETING  
THURSDAY, MARCH 6, 2008

Invocation: Dr. Davidson Loehr, First Unitarian Universalist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 6, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:25 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Cole's motion, Council Member Martinez' second on a 7-0 vote.

1. Approval of the Austin City Council minutes from the February 28, 2008 meeting.  
**The minutes from the meeting of February 28, 2008 were approved.**
2. Approve an ordinance authorizing acceptance of \$12,500 in grant funds from the U.S. Department of Energy through Energy Research and Development Solutions, LLC; and amend the Fiscal Year 2007-2008 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$12,500 for a total grant amount of \$22,500 for the City's continued involvement in the Central Texas Clean Cities Program. Funding is available from the U.S. Department of Energy through Energy Research and Development Solutions, LLC. No match is required. Recommended by the Electric Utility Commission.  
**Ordinance No. 20080306-002 was approved.**
3. Authorize negotiation and execution of a professional services agreement with LARS STANLEY doing business as Stanley Architects and Artisans, Inc., 1901 EM Franklin Avenue, Austin, TX for artwork, in an amount not to exceed \$120,000. Funding is available in the Art in Public Places allocation within the Ullrich Water Treatment Plant. Recommended by the Austin Arts Commission.  
**The motion authorizing the negotiation and execution of a professional services agreement with Lars Stanley doing business as Stanley Architects and Artisans, Inc. was approved.**
4. Approve negotiation and execution of a one-time \$108,000 contract amendment with THE SALVATION ARMY, Austin, TX to provide emergency shelter and social services to men at the downtown shelter. Funding is available, as one-time only support, in the Fiscal Year 2007-2008 Operating Budget of the Health and Human Services Department. The term of the contract period is January 1, 2008 through December 31, 2008. Recommended by the Public Health and Human Services Subcommittee.

**The motion approving the negotiation and execution of a one-time contract amendment with The Salvation Army was approved.**

5. Approve a resolution authorizing the negotiation and execution of an Interlocal Agreement between the City of Austin and the Texas Department of Transportation, in an amount not to exceed \$60,000 annually, to deny registration of a motor vehicle if the vehicle owner, but not dual owners, has an outstanding arrest warrant out of the Austin Municipal Court due to a failure to appear or a failure to satisfy a fine on cases involving traffic law violations. No unanticipated financial impact. Recommended by the Council Judicial Committee.

**Resolution No. 20080306-005 was approved.**

**Item 6 was pulled for discussion.**

7. Approve a resolution authorizing the fee simple acquisition of Lot 1, Block H, Onion Creek Forest Section 2, Amended Plat a subdivision in Travis County, Texas, located at 6901 South Pleasant Valley Road, Austin, Texas from Philip Eckart and Rosa Marquez Davila for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$15,000 for the land and \$20,000 for the improvements and \$79,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$124,900. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.

**Resolution No. 20080306-007 was approved.**

8. Approve an ordinance vacating the 12800 block of Delcour Drive to be used as a private drive for the Riata Vista Office Complex unified office development adjacent to Delcour Drive. Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.

**This item was withdrawn.**

9. Approve an ordinance vacating a portion of the right-of-way in the 1000 Block of West 17th Street, adjacent to 1700 San Gabriel, to be used for the construction of a new garage. Recommended by the Urban Transportation Commission and the Planning Commission.

**Ordinance No. 20080306-009 was approved.**

10. Approve a resolution authorizing the City Manager to negotiate and execute a contract to purchase in fee simple Lots 40, 41 and 42, Block B, COMANCHE CANYON RANCH AREA THREE, a subdivision in Travis County, Texas fronting on Bullock Hollow Road, from Comanche Canyon Development, Inc., a Texas corporation, by Robert H. Theriot, its President, in an amount not to exceed \$7,200,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility Department.

**This item was postponed to March 20, 2008.**

11. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1 - South 2nd Street Reroute: Phase I Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a 4,827 square foot permanent wastewater line easement, a 1,322 square foot temporary working space easement, and a 5,096 square foot temporary ingress and egress easement, out of Lot 2, Block A, The Crescent on Bouldin Creek, a subdivision in Travis County, Texas, in the amount of \$229,798. The owner of the needed property interests is Michael G. Martin. The property is located at 0 Barton Springs Road, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Resolution No. 20080306-011 was approved.**

12. Approve a resolution authorizing the filing of eminent domain proceedings for the West 24th Street and Vista Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a 2,237

square foot permanent wastewater line easement and a 597 square foot temporary working space easement out of Lot 2, Pemberton Heights, Section Twelve, a subdivision in Travis County, Texas, in the amount of \$7,938. The owners of the needed property interests are Carol Suzanne Bryant and Sarah J. Goodfriend. The property is located at 1500 West 24th Street, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Resolution No. 20080306-012 was approved.**

13. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 2 - Harper's Branch Wastewater Improvement Project, a portion of the Austin Clean Water Program, to acquire a 2,556 square foot permanent wastewater line easement, a 2,826 square foot permanent access easement, a 0.511 of one acre land for a temporary working space easement, and a 0.511 of one acre land for a temporary staging area and material storage site easement out of Tract A, Teague-Buda Subdivision No. One, a subdivision in Travis County, Texas, in the amount of \$127,046. The owner of the needed property interests is Aberfeldy II Limited Partnership, a Texas limited partnership. The property is located at 1524 South IH 35, Austin, Travis County, Texas. Funding is included in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.

**Resolution No. 20080306-013 was approved.**

14. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, INC., AUSTIN, TX for the ACWP Govalle 1, South 2nd Street Wastewater Re-Route and Area Improvements, North Phase (Barton Springs Road to West Monroe Street) in the amount of \$9,244,084 plus a \$462,204.20 contingency, for a total contract amount not to exceed \$9,706,288.20. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 14.76% MBE and 3.86% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Laughlin-Thyssen, Inc. was approved.**

**Item 15 was pulled for discussion.**

16. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, TX for Canyon Creek residential Water Quality Pond #164 in an amount not to exceed \$138,024. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department. This contract will be awarded in compliance with Chapter 2-9 A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 9.10% MBE and 1.71% WBE subcontractor participation.

**The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved.**

17. Authorize execution of proposed Change Order #8 to the construction contract with BLAND/SCHROEDER/ARCHER, L.P., Austin, TX, for East St. Elmo Road from Todd Lane to Nuckols Crossing in an estimated amount of \$29,805.30, for a total contract amount not to exceed \$989,977.93. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 14.76% MBE and 12.06% WBE subcontractor participation to date. Recommended by the Water and Wastewater Commission.

**The motion authorizing the execution of proposed change order number 8 to the construction contract with Bland/Schroeder/Archer, L.P. was approved.**

18. Authorize negotiation and execution of a professional services agreement with CAS CONSULTING AND SERVICES INC. (MBE/MA), Austin, TX, for engineering services for Airport at Chesterfield Wastewater Improvements in an amount not to exceed \$930,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Best qualification statement of 24 statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 19.3% MBE and 14.2% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of a professional services agreement with CAS Consulting and Services Inc. (MBE/MA) was approved.**
19. Authorize award and execution of a 24-month requirements supply contract with KBS ELECTRICAL DISTRIBUTORS, INC., Austin, TX for fault indicators and fiber optic leads in an estimated amount not to exceed \$696,500, with two 12-month extension options in an estimated amount not to exceed \$348,250 per extension option, for a total estimated contract amount not to exceed \$1,393,000. Funding in the amount of \$203,146 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 17 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements supply contract with KBS Electrical Distributors, Inc. was approved.**
20. Authorize award and execution of a 24-month requirements supply contract with ENVIRONMENTAL IMPROVEMENTS INC., Buda, TX, for Wallace & Tiernan replacement and repair parts for the Austin Water Utility in an estimated amount not to exceed \$158,000, with three 12-month extension options in an estimated amount not to exceed \$79,000 per extension option, for a total estimated contract amount not to exceed \$395,000. Funding in the amount of \$39,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining 18 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Environmental Improvements Inc. was approved.**
21. Authorize award and execution of a 24-month requirements supply contract with FOX SCIENTIFIC, INC., Alvarado, TX, for laboratory chemicals for the Austin Water Utility in an estimated amount not to exceed \$150,000, with three 12-month extension options in an estimated amount not to exceed \$75,000 per extension option, for a total estimated contract amount not to exceed \$375,000. Funding in the amount \$43,750 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining 17 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Fox Scientific, Inc. was approved.**

22. Authorize execution of Amendment No. 2 to a requirements supply contract for industrial supplies and equipment through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with GRAINGER, INC., Austin, TX, to increase the current contract in an estimated amount not to exceed \$308,000, and increase each of the two remaining 12-month extension options in an estimated amount not to exceed \$170,000 per extension option, for a revised total estimated contract amount not to exceed \$2,602,901. Funding in the amount of \$162,000 is available in the 2007-2008 Operating Budget for the Austin Water Utility Department. Funding in the amount of \$77,778 is available in the 2007-2008 Operating Budget of the Financial and Administrative Services Department, Building Services Division. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of amendment number 2 to a requirements supply contract for industrial supplies and equipment through the Texas Multiple Award Schedule (TXMAS) with Grainger, Inc. was approved.**
23. Authorize award and execution of a 24-month requirements supply contract with LUCIER CHEMICAL INDUSTRIES LTD., dba, LCI, LTD, Jacksonville Beach, FL, for flourosilicic acid for the Austin Water Utility in an estimated amount not to exceed \$1,175,000, with three 12-month extension options in an estimated amount not to exceed \$587,500 per extension option, for a total estimated contract amount not to exceed \$2,937,500. Funding of \$293,750 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining 18-months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Lucier Chemical Industries Ltd. doing business as LCI, Ltd was approved.**
24. Authorize award and execution of a 24-month requirements supply contract with MINUTEMAN INTERNATIONAL, Fitchburg, MA, for rain-water barrels for the Austin Water Utility in an estimated amount not to exceed \$480,000, with two 12-month extension options in an estimated amount not to exceed \$240,000 per extension option, for a total estimated contract amount not to exceed \$960,000. Funding in the amount of \$140,000 is available in the Fiscal Year 2007- 2008 Water Conservation Budget of the Austin Water Utility. Funding for the remaining 17 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Minuteman International was approve.**
25. Authorize award and execution of a 12-month requirements contract with NORIT AMERICAS INC., Marshall, TX, for the purchase of powdered activated carbon for the Austin Water Utility in an estimated amount not to exceed \$488,400, with two 12-month extension options in an estimated amount not to exceed \$488,400 per extension option, for a total estimated contract amount not to exceed \$1,465,200. Funding in the amount of \$284,900 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining seven months of the original contract period and extension

options is contingent upon the available funding in future budgets. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of a requirements contract with Norit Americas Inc. was approved.**

26. Authorize award and execution of a contract with SMITH PUMP COMPANY, INC., Austin, TX, for the purchase of a package wastewater treatment plant clarifier and personnel bridge for the Austin Water Utility in an amount not to exceed \$112,700. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
- The motion authorizing the award and execution of a contract with Smith Pump Company, Inc. was approved.**

27. Authorize award and execution of a contract with THE ANCHOR GROUP, INC., New, Braunfels, TX for the purchase and installation of fencing for six sites within the Balcones Canyonlands Preserve for the Austin Water Utility in an amount not to exceed \$132,765.75. Funding is available in the FY 2007-2008 Wildland Conservation Fund of the Austin Water Utility. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting Opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
- The motion authorizing the award and execution of a contract with The Anchor Group, Inc. was approved.**

28. Authorize award and execution of Amendment No. 5 with MEDTRONICS EMERGENCY RESPONSE SYSTEMS, INC., Redmond, WA to increase the amount of the original contract period for the purchase of capnography supplies in an estimated amount not to exceed \$1,100,298, for a revised total estimated contract amount not to exceed \$2,365,176. Funding in the amount of \$550,149 is available in the Fiscal Year 2007-2008 Operating Budget of the Emergency Medical Services Department. Funding for the remaining twelve months of the original contract period is contingent upon available funding in future budgets. Contract Amendment. This contract was awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award and execution of amendment number 5 with Medtronics Emergency Response Systems, Inc. was approved.**

29. Authorize award and execution of two contracts through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with: PLANET DODGE, Humble, TX, for the purchase of 28 bio-diesel equipped service body trucks in an amount not to exceed \$1,527,269, and PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of 4 bio-diesel equipped service body trucks in an amount not to exceed \$168,211.32. Funding in the amount of \$420,563.32 is available in the Fiscal Year 2007-2008 Vehicle Acquisition Fund. Funding in the amount of \$38,305 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Convention Center. Funding in the amount of \$42,063 is available in the Fiscal Year 2007-2008 Operating Budget of the Aviation Department. Funding in the amount of \$80,206 is available in the Fiscal Year 2007-2008 Operating Budget of the Parks & Recreation Department. Funding in the amount of \$744,065 is available in the Fiscal Year 2007-2008

Capital Budget of the Austin Water Utility. Funding in the amount of \$195,366 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Energy Department. Funding in the amount of \$174,912 is available in the Fiscal Year 2007-2008 Capital Budget of the Street & Bridge Division of the Public Works Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of two contracts through the Texas Local Government Purchasing Cooperative (Buyboard) with Planet Dodge and Philpott Motors, Ltd was approved.**

30. Authorize award and execution of a 36-month requirements service contract with ST. DAVID'S OCCUPATIONAL HEALTH SERVICES, Austin, TX for alcohol and drug testing for the Austin Police Department, Austin Fire Department, and Public Safety and Emergency Management Department in an estimated amount not to exceed \$165,135, with three 12-month extension options in an estimated amount not to exceed \$55,045 per extension option, for a total estimated contract amount not to exceed \$330,270. Funding in the amount of \$32,110 is available in the Fiscal Year 2007-2008 Operating Budgets of the Austin Police Department, Austin Fire Department, and Public Safety and Emergency Management Department. Funding for the remaining 29 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with St. David's Occupational Health Services was approved.**

31. Authorize award, negotiation, and execution of three 12-month requirements service contracts with: CONCEPT DEVELOPMENT & PLANNING, LLC (MBE/FB), Austin, TX to provide public involvement services for road reconstruction projects, intersection improvement projects, and new roads in an estimated amount not to exceed \$125,000, with four 12-month extension options in an estimated amount not to exceed \$125,000 for each extension option, for a total estimated contract amount not to exceed \$625,000; RJW OPERATIONS, INC. dba GROUP SOLUTIONS RJW (MBE/FB), Austin, TX to provide public involvement services for utility (water, wastewater, and drainage) projects in an estimated amount not to exceed \$260,000, with four 12-month extension options in an estimated amount not to exceed \$260,000 for each extension option, for a total estimated contract amount not to exceed \$1,300,000; and ESTILO COMMUNICATIONS, INC. (MBE/FH), Austin, TX to provide public involvement services for architectural projects and projects of less than \$1,000,000 in an estimated amount not to exceed \$50,000, with four 12-month extension options in an estimated amount not to exceed \$50,000 for each extension option, for a total estimated contract amount not to exceed \$250,000. Funding in the amount of \$253,750 is available in the Capital and/or Operating Budgets of the Public Works Department and various other City departments. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposals of eight proposals received. These contracts will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award, negotiation and execution of three requirements service contracts with Concept Development and Planning, LLC (MBE/FB), RJW Operations, Inc. doing business as Group Solutions RJW (MBE/FB) and Estilo Communications, Inc. (MBE/FH) was approved.**

32. Authorize award and execution of a 12-month requirements supply agreement with GENERAL TRAFFIC EQUIPMENT CORPORATION, New Burgh, NY, for the purchase of traffic signal mounting hardware in an estimated amount not to exceed \$95,008, with two 12-month extension options in an estimated amount not to exceed \$95,008 per extension option, for a total contract amount not to exceed \$285,024. Funding in the amount of \$55,421 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply agreement with General Traffic Equipment Corporation was approved.**
33. Authorize award and execution of a 36-month requirements supply contract with HANSON PIPE & PRECAST, Austin, TX for the purchase of reinforced concrete pipe in an estimated amount not to exceed \$442,087, with three 12-month extension options in an estimated amount not to exceed \$147,363 per extension option, for a total estimated contract amount not to exceed \$884,176. Funding in the amount of \$85,962 is available in the Fiscal Year 2007-2008 Operating Budget of the Watershed Protection & Development Review Department. Funding for the remaining 29 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply contract with Hanson Pipe and Precast was approved.**
34. Approve issuance of a Street Event Permit for a fee paid event to be held on March 17, 2008, in the 200 block of East 6th Street for a Celtic Cultural Center of Texas fundraising event. **The motion approving the issuance of a street event permit for a fee paid event was approved.**
35. Approve issuance of a Street Event Permit for a fee paid event in the 200 block of West 4th Street for a Fado Irish Pub fundraising event. The event is scheduled for March 17, 2008 from 10:00 a.m. through 2:00 a.m. March 18, 2008. **The motion approving the issuance of a street event permit for a fee paid event was approved.**
36. Approve a resolution adopting a revised map of the Southern Edwards Aquifer Boundary. Recommended by the Environmental Board. **Resolution No. 20080306-036 was approved.**
37. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members. **The following appointment was made:**

**Board**

Austin-Travis County MHMR Board of Trustees  
Martha Martinez

**Nominated By:**

Mayor Wynn



38. Approve an ordinance encouraging filming of movies, television programming, commercials, music videos and video games in the greater Austin area and waiving facility use and rental fees for qualifying projects. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley Council Member Brewster McCracken)  
**Ordinance No. 20080306-038 was approved.**
39. Approve a resolution initiating code amendments to Subchapter F of Chapter 25-2 to implement recommendations of the Residential Development Regulation Task Force and other stakeholders, and to bring the amendments to Council no later than May 22, 2008. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell)  
**Resolution No. 20080306-039 was approved.**
40. Approve a resolution directing the City Manager to initiate a review and discussion with University of Texas Board of Regents and other stakeholders regarding redevelopment of the Brackenridge Tract and to identify the city staff that will coordinate the City's efforts regarding the Brackenridge Tract. (Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)  
**Resolution No. 20080306-040 was approved.**
41. Approve a resolution directing the City Manager to provide a report to the Council within six months on the adequacy of the City's development codes, technical criteria, and other policies regarding underground structures and groundwater. (Council Member Lee Leffingwell Council Member Mike Martinez Council Member Brewster McCracken)  
**Resolution No. 20080306-041 was approved.**
42. Approve a resolution directing the City Manager to determine the feasibility of providing the use of the building located at 403 East 15th Street, formerly used as the Ronald McDonald House, for a transitional housing facility with a crisis stabilization center, and negotiate and execute a lease with the Austin Travis County Mental Health and Mental Retardation Center for the operation of the center. (Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley Council Member Sheryl Cole)  
**Resolution No. 20080306-042 was approved.**
43. Approve a resolution directing the City Manager to allocate \$5,000 from the Holly Good Neighbor "Cultural Arts" projects to fund the Border Sessions showcase at the Mexican American Cultural Center on March 14 and 15, 2008. (Council Member Mike Martinez Council Member Lee Leffingwell )  
**Resolution No. 20080306-043 was approved.**
44. Approve a resolution directing the City Manager to allocate \$35,000 from Holly Good Neighbor "Cultural Arts" projects to fund Holly Good Neighbor youth programming through the Pachanga Latino Music Festival during the Latino music month of May. (Council Member Mike Martinez Council Member Lee Leffingwell )  
**Resolution No. 20080306-044 was approved.**
45. Approve waiver of park rental fees for the Metz Elementary School's Metz Fest to be held at Fiesta Gardens on May 30, 2008. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)  
**The motion approving the waiver of park rental fees for the Metz Elementary School's Metz Fest was approved.**
46. Approve waiver of certain fees, and waiver of City Code Chapter 14-8 requirements for signatures of affected persons and for a security deposit, and waiver of the restriction against street events on Sixth Street continuing past 8 p.m., for the Celtic Cultural Center of Texas St. Patrick's Day Festival. The event

is scheduled to be held in the 200 block of East Sixth Street on March 17, 2008. (Mayor Will Wynn Council Member Mike Martinez and Council Member Lee Leffingwell )

**The motion approving the waiver of certain fees, waiver of requirements for signatures of affected persons and for a security deposit, and waiver of the restriction against street events on Sixth Street continuing past 8 p.m. for the Celtic Cultural Center of Texas St. Patrick's Day Festival was approved.**

47. Approve payment of certain costs and waiver of certain requirements under Chapter 14 of the Code for SXSW, Inc.'s annual South by Southwest Festival, a co-sponsored event, to be held March 7-16, 2008. (Mayor Will Wynn Council Member Lee Leffingwell Council Member Jennifer Kim)

**The motion approving payment of certain costs and waiver of certain requirements for SXSW, Inc.'s annual South by Southwest Festival was approved.**

48. Set a public hearing to consider the use of approximately 0.151 acre for a water line to construct, use, maintain, repair, and replace the existing water line for the construction of the William Cannon Over Onion Creek Water Line Improvement Project through dedicated parkland known as the Onion Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: April 10, 2008 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks and Recreation Board.

**The public hearing was set for April 10, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.**

49. Set a public hearing to receive citizen comments on (1) the annual Action Plan Fiscal Year 2008-2009, required by the U.S. Department of Housing and Urban Development; and (2) the Texas Local Government Code Chapter 373 Community Development 2008-2009 Program. (Suggested date and time: March 20, 2008, 6:00 p.m., at Austin City Hall, 301 W. Second St, Austin, TX)

**The public hearing was set for March 20, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.**

Item 50 was a briefing item set for 10:30 a.m.

Item 51 was an Executive Session item.

Items 52 and 53 were bond sale items set for 2:00 p.m.

Item 54 was a briefing item set for 2:00 p.m.

Items 55 through 70 were zoning items set for 4:00 p.m.

Items 71 through 75 were public hearing items set for 6:00 p.m.

Item 76 was an addendum item from Council

### **DISCUSSION ITEMS**

15. Authorize the use of the Construction Manager at Risk method of contracting for facility construction for the new Central Library Project as permitted by Subchapter H of Chapter 271 of the Texas Local Government Code. There is no unanticipated fiscal impact. A fiscal note is not required. Recommended by the MBE/WBE and Small Business Advisory Committee.

The motion authorizing the use of the construction manager at risk method of contracting for facility construction was approved on Mayor Pro Tem Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

**BRIEFING**

50. Presentation and update on process and procedures regarding the citywide solicitation survey  
The presentation was made by David Lurie, Director of Public Health.

Mayor Wynn recessed the Council Meeting at 11:57 a.m.

Mayor Wynn called the Council Meeting back to order at 12:00 p.m.

**CITIZEN COMMUNICATION: GENERAL**

Joni Gilton -- Clean Energy

Elizabeth Greenwood -- Clean Energy

Gus Pena -- 1. City issues, 2. City budget to Increase funding for summer job programs for the youth. Increase funding for Senior Citizen Programs, 3. Improve relations Between APD and the Community, 4. Close the gap between the Haves and Have Nots. More people are becoming homeless. NEED Affordable HOUSING.

Pastor June Wilkins spoke for Veronica Hernandez -- Downtown races

David Merhar -- Business Interruptions from downtown races. He was not present when his name was called.

Reverend Bud Roland -- Religious Freedom

Jennifer L. Gale -- Why are Austin workers subsidizing the Domain when simon properties doesn't even pay an Austin living wage for a cheap one bedroom.

Pat Johnston -- TBA

Mary Krennek -- Side walk and or other issues

Paul Robbins -- City Issues

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:47 p.m.

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced that Council would discuss item number 6 on the regular agenda during Executive Session.

51. Discuss legal issues related to terms of the settlement agreement on natural gas rate implementation between Atmos Energy Corporation, Mid-Tex Division, and the Atmos Texas Municipalities (Private Consultation with Attorney - Section 551.071). Related to Item #75.

The Mayor announced that Council would discuss item number 76 on the regular agenda during Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:43 p.m.

### **BOND SALES**

52. Approve an ordinance authorizing an interest rate management agreement with Goldman Sachs, New York, New York, related to the issuance of City of Austin, Texas, Water and Wastewater System Variable Rate Revenue Refunding Bonds, Series 2008, in an amount not to exceed \$175,000,000; providing for payments secured by a lien on and pledge of the net revenues of the City's Water & Wastewater System; establishing parameters with respect to the provisions of the interest rate management agreement; delegating to the designated City officials the authority to effect said interest rate management agreement; establishing funds and accounts related to payments under the agreement; approving and authorizing other provisions relating to the subject; and providing for an effective date. No fiscal impact during fiscal year 2007-2008. Any debt service requirement and any annual administrative fees will be included in the 2008-2009 proposed budget of the Utility Revenue Bond Redemption Fund.  
**Ordinance No. 20080306-052 in an amount not to exceed \$175,000,000 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**
53. Approve an ordinance authorizing the issuance of City of Austin, Texas, Water and Wastewater System Variable Rate Revenue Refunding Bonds, Series 2008 in an amount not to exceed \$175,000,000; providing for payments secured by a lien on and pledge of the net revenues of the City's Water & Wastewater System; establishing parameters with respect to the sale of the Bonds; delegating to the designated City officials the authority to effect the sale of the Bonds; authorizing and approving other provisions relating to the subject; and providing for an effective date. No fiscal impact during fiscal year 2007-2008. Any debt service requirement and any annual administrative fees will be included in the fiscal year 2008-2009 proposed budget of the Utility Revenue Bond Redemption Fund.  
**Ordinance No. 20080306-53 in an amount not to exceed \$175,000,000 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote**

### **BRIEFING**

54. Briefing from City staff and Villa Muse representatives regarding the feasibility of a possible agreement that may be ratified between the City and Villa Muse.  
The presentation was made by Laura Huffman, Assistant City Manager.

### **DISCUSSION ITEMS CONTINUED**

76. Approve an ordinance for the annexation of certain lands in the City of Austin's extraterritorial jurisdiction; for the release of these lands from the City's extraterritorial jurisdiction for a maximum term prior to annexation; releasing the right of the City of Austin to provide wastewater utility services to these certain lands and granting said rights to a third party; providing for conditions to the initial effectiveness of said releases and said grant; providing for conditions that would shorten the maximum term of said release; and providing for an effective date, ordinance termination date and ordinance term (Council Member Brewster McCracken Council Member Mike Martinez Council Member Sheryl Cole)

This item was postponed indefinitely and removed from the agenda on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote.

6. Consider the release of approximately 1900 acres of land, known as the Villa Muse area, from the eastern extraterritorial jurisdiction ("ETJ") of the City and possible action on the preservation or release of the ETJ.

The motion to approve the resolution as follows was made by Council Member McCracken and second by Council member Martinez. The resolution directed the City Manager to negotiate a development agreement with Villa Muse for development of the Villa Muse project that includes a release of the development area from the City's extraterritorial jurisdiction on certain conditions and the return of that area into the City's extraterritorial jurisdiction on certain conditions and to present that agreement for approval by the City Council.

The substitute motion to approve Resolution No. 20080306-006 as follows was approved on Council Member Leffingwell's motion, Council Member Kim's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Dunkerley and Council Members Leffingwell and Kim. Those voting nay were: Council Members Cole, Martinez and McCracken. The resolution directed the City Manager to negotiate a development agreement with Villa Muse for development of the Villa Muse project within the City's extraterritorial jurisdiction and to present that agreement for approval by the City Council.

Mayor Wynn recessed the Council Meeting at 5:42 p.m.

#### LIVE MUSIC

Kissinger

#### PROCLAMATION

Proclamation -- Social Work Month -- to be presented by Mayor Will Wynn and to be accepted by Barbara Anderson

Distinguished Service Award -- Paul Hilgers -- to be presented by Mayor Will Wynn and City Manager Marc Ott and to be accepted by the honoree

Proclamation -- BarCampAustin III -- to be presented by Council Member Lee Leffingwell and to be accepted by William Hurley

Certificate of Congratulations -- Byron Marshall -- to be presented by Council Member Sheryl Cole and to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:43 p.m.

#### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

55. C14-2007-0212 - 907 Rio Grande - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 907 Rio Grande Street (Waller Creek

Watershed) from multi-family residence-moderate-high density (MF-4) district zoning to limited office-mixed use (LO-MU) combining district zoning. First reading approved on January 31, 2008. Vote: 7-0. Applicant: Robert L. Gage Revocable Trust (Robert L. Gage). Agent: Thomas C. Fagerberg Attorney at Law (Thomas C. Fagerberg). City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20080306-055 for limited office-mixed use (LO-MU) combining district zoning was approved.**

56. C14-2007-0237 - Old West Austin Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Old West Austin Neighborhood Planning Area, bounded by Enfield Road on the north, North Lamar Boulevard on the east, Lady Bird Lake on the south, and North MoPac Expressway on the west (Town Lake Watershed, Shoal Creek Watershed, Johnson Creek Watershed). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Old West Austin Neighborhood Planning Area from the overlay district. First Reading approved on February 28, 2008. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

**Ordinance No. 20080306-056 applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Old West Austin Neighborhood Planning Area was approved except for Tract 1.**

57. C14-2007-0202 - 501 E. Oltorf - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 501 East Oltorf (Blunn Creek Watershed) from multi-family residence-moderate high density-neighborhood conservation combining district-neighborhood plan (MF-4-CO-NP) combining district zoning to multi-family residence-highest density-neighborhood conservation combining district-neighborhood plan (MF-6-CO-NP) combining district zoning. First reading approved on February 28, 2008. Vote: 7-0. Applicant: Sunnymede Properties, Ltd. (George Yonge). Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michelle Rogerson). City Staff: Robert Levinski, 974-1384.

**Ordinance No. 20080306-057 for multi-family residence-highest density-neighborhood conservation combining district-neighborhood plan (MF-6-CO-NP) combining district zoning was approved.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

58. C14-2007-0270 - 1606 Nelms Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1606 Nelms Drive (Williamson Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation; To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Applicant: Albert L. Ebaugh and Irvin A. Ebaugh, Jr. Agent: Holford Group (Charles Dunn). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20080306-058 for community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning was approved.**

59. C14-2007-0267 - 1904 W. 35th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1904 West 35th Street (Johnson Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Elizabeth Prosser. Agent: Denison Development (Steve White). City Staff: Jorge E. Rousselin, 974-2975.

**Ordinance No. 20080306-059 for limited office-conditional overlay (LO-CO) combining district zoning was approved.**

60. C814-97-0001.05 - Leander Rehabilitation PUD Amendment #6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as North F.M. 620 Road (Lake Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Applicant: Pacific Summit Partners. Agent: Armbrust & Brown, L.L. P. (David Armbrust). City Staff: Sherri Sirwaitis, 974-3057.

**The first reading of the ordinance for planned unit development (PUD) district zoning to change a condition of zoning was approved with conditions. The owner agreed to comply with the green building and water conservation methods as additional conditions.**

61. C14-2007-0271 - Deerwood Manufactured Home Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12400 Pearce Lane (Dry Creek East Watershed) from interim-rural residence (I-RR) district zoning to mobile home residence (MH) district zoning. Staff Recommendation: To grant mobile home residence-conditional overlay (MH-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant mobile home residence-conditional overlay (MH-CO) combining district zoning with conditions. Applicant: LB Deerwood Property, L.P. (Paseo Capital - Eric Amend). Agent: Jacobs Carter Burgess (Sandy Harwood). City Staff: Wendy Rhoades, 974-7719.

**The first reading of the ordinance for mobile home residence-conditional overlay (MH-CO) combining district zoning with conditions was approved.**

62. C14-2008-0001 - Reno - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1000 and 1002 Reno Drive (South Boggy Creek Watershed) from mobile home residence (MH) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Santiago Arana. Agent: Carlos Arana. City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20080306-062 for family residence (SF-3) district zoning was approved.**

63. C14-2007-0265 - Thaxton Place - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7840 Thaxton Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Staff Recommendation: To grant single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning.

Applicant: Senate Hills, Ltd. (Stephen D. Bartholomew). Agent: Pape-Dawson Engineering, Inc. (Paul Messerli). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20080306-063 for single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning was approved.**

64. C14-2007-0254 - Forest Hills Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10601 and 10605 Manchaca Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Applicant: Manchaca Road Apartments, L.P. (Paul Buchanan). Agent: Clark, Thomas & Winters, P.C. (John M Joseph). City Staff: Wendy Rhoades, 974-7719.  
**Ordinance No. 20080306-064 for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved.**
65. C14-2007-0253 - SP Meadows South, Ltd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900 South IH-35 Service Road Southbound, Unit G (Slaughter Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: SP Meadows Central, Ltd. (Chris Ellis). Agent: Endeavor Real Estate Group (Andy Pastor). City Staff: Wendy Rhoades, 974-7719.  
**Ordinance No. 20080306-065 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved.**
66. C14-2007-0149 - Sitric House & Home, LLC - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3401 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from limited office-conditional overlay (LO-CO) combining district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant and Agent: MacJ, Ltd. (Malachy and Margaret McGettrick). City Staff: Wendy Rhoades, 974-7719.  
**Ordinance No. 20080306-066 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.**
68. C14-2007-0250 - Amarra Drive, Lot 1, Block A - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8718-8734 Southwest Parkway; 5105-5301 Barton Creek Boulevard; 5305-5325 Barton Creek Boulevard (Barton Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to multi-family residence-limited density (MF-1) district zoning. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning. Applicant: Stratus Properties Operating Co., L.P. (John Baker). Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Rogerson). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed to March 20, 2008 at the neighborhood association's request.**
70. C14-2007-0173 - 6414 Manchaca - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6414 Manchaca Road



(Williamson Creek Watershed) from community commercial (GR) district zoning; and multi-family residence-medium density density (MF-3) district zoning to community commercial-mixed use-vertical mixed use (GR-MU-V) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-vertical mixed use-conditional overlay (GR-MU-V-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-vertical mixed use-conditional overlay (GR-MU-V-CO) combining district zoning for Tract 1; and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2. Applicant and Agent: Peter Kehle. City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20080306-070 for community commercial-mixed use-vertical mixed use-conditional overlay (GR-MU-V-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2 was approved.**

### ZONING DISCUSSION ITEMS

67. C14H-2007-0015 - Harthan Street Local Historic District - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 600-610 Harthan Street and 1206 West 6th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning; family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning; multi-family residence-moderate high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning; and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant family residence-historic district-neighborhood plan (SF-3-HD-NP) combining district zoning; family residence-historic-historic district-neighborhood plan (SF-3-H-HD-NP) combining district zoning; multi-family residence-moderate high density-historic district-neighborhood plan (MF-4-HD-NP) combining district zoning; multi-family residence-moderate high density-historic-historic district-neighborhood plan (MF-4-H-HD-NP) combining district zoning; and general commercial services-mixed use-conditional overlay-historic district-neighborhood plan (CS-MU-CO-HD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant To grant family residence-historic district-neighborhood plan (SF-3-HD-NP) combining district zoning; family residence-historic-historic district-neighborhood plan (SF-3-H-HD-NP) combining district zoning; multi-family residence-moderate high density-historic district-neighborhood plan (MF-4-HD-NP) combining district zoning; multi-family residence-moderate high density-historic-historic district-neighborhood plan (MF-4-H-HD-NP) combining district zoning; and general commercial services-mixed use-conditional overlay-historic district-neighborhood plan (CS-MU-CO-HD-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant family residence-historic district-neighborhood plan (SF-3-HD-NP) combining district zoning; family residence-historic-historic district-neighborhood plan (SF-3-H-HD-NP) combining district zoning; multi-family residence-moderate high density-historic district-neighborhood plan (MF-4-HD-NP) combining district zoning; multi-family residence-moderate high density-historic-historic district-neighborhood plan (MF-4-H-HD-NP) combining district zoning; and general commercial services-mixed use-conditional overlay-historic district-neighborhood plan (CS-MU-CO-HD-NP) combining district zoning. Applicant and Agent: Terry Myers, Preservation Central. City Staff: Susan Villareal, 974-3524. A valid petition in opposition to this rezoning request has been submitted for a portion of this request.

The public hearing was closed and Ordinance No. 20080306-067 for family residence-historic district-neighborhood plan (SF-3-HD-NP) combining district zoning; family residence-historic-historic district-neighborhood plan (SF-3-H-HD-NP) combining district zoning; multi-family residence-moderate high density-historic district-neighborhood plan (MF-4-HD-NP) combining district zoning; multi-family residence-moderate high density-historic-historic district-neighborhood plan (MF-4-H-HD-NP) combining district zoning; and general commercial services-mixed use-conditional overlay-historic district-neighborhood plan (CS-MU-CO-HD-NP) combining

district zoning was approved on Mayor Pro Tem Dunkerley's motion, Council Member Kim's second on a 7-0 vote.

69. C14-2007-0263 - Hyde Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Hyde Park Neighborhood Planning Area, bounded by 51st Street to the north, Red River to 45th Street to Duval Street to the east; 38th Street to the south and Guadalupe Street to 47th Street and along Waller Creek to the south (Waller Creek watershed). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Hyde Park Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975.
- The public hearing was closed and the first reading of the ordinance for VMU Overlay on Tracts 1-12 and 100, making them eligible for the affordable housing density bonus, and authorizing 60% MFI rental units was approved on Council Member McCracken's motion, Mayor Wynn's second on a 4-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Dunkerley, and Council Members Martinez and McCracken. Those voting nay were: Council Members Cole and Leffingwell. Council Member Kim was off the dais.

#### PUBLIC HEARINGS

71. Conduct a public hearing for the full purpose annexation of the Kitchell Tract (Approximately 3 acres in eastern Travis County at the southwest corner of the intersection of US Highway 290 East and Decker Lane).
- The public hearing was closed on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote.
72. Conduct a public hearing and consider an ordinance amending Section 25-1-23(B) of the City Code to exclude a portion of the area above a subsurface structure from land use impervious cover calculations. Recommended by the Planning Commission.
- The public hearing was closed and Ordinance No. 20080306-072 was approved with the following amendment on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 6-1 vote. Council Member Kim voted no. The amendment was to page 1, Part 1, (B) (5) (b) will read, "the structure is not associated with a use regulated by Section 1.2.2 of Subchapter (F) of Chapter 25-2 (*Residential Design and Compatability Standards*)."
- The following friendly amendments by Council Member Leffingwell were accepted by the maker of the motion and Mayor Pro Tem Dunkerley, who made the second. The amendments were to Page 1, Part 1, (B) (5) will read, "a subsurface portion of a parking structure if the director determines that: . . ." and add a new paragraph on page 1, Part 1, (B) (5) (c) to read, "the applicant submits an assessment of the presence and depth of groundwater at the site sufficient to determine whether groundwater will need to be discharged or impounded. The remaining paragraph in Part 1, (B) (5) will be numbered to (d).
73. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to add Article 16 relating to neighborhood plan amendments; and repealing Ordinance Nos. 20030320-23 and 20030605-53.

The public hearing was closed and Ordinance No. 20080306-073 was approved on Mayor Pro Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Leffingwell was off the dais.

74. Conduct a public hearing and consider an ordinance on first reading regarding the application submitted by American Medical Response of Texas, Inc. to renew a non-emergency medical transfer franchise under Chapter 10-2 of the City Code. Recommended by the Austin-Travis County EMS Advisory Board. The public hearing was closed and the first reading of the ordinance was approved on Council Member Martinez' motion, Council Member Kim's second on a 6-0 vote. Council Member McCracken was off the dais.
75. Conduct a Public Hearing and consider the propriety and reasonableness of natural gas rates pursuant to the settlement agreement between Atmos Energy Corporation, Mid-Tex Division, and the Atmos Texas Municipalities and consider a resolution approving the settlement agreement between Atmos Energy Corporation, Mid-Tex Division, and the Atmos Texas Municipalities, relating to implementation of natural gas rates. Related to Item #51  
The public hearing was closed and Resolution No. 20080306-075 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

Mayor Wynn adjourned the meeting at 9:12 p.m. without objection.

The minutes for the Regular Meeting of March 6, 2008 were approved on this the 20th day of March 2008 on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.